

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GERMAN FERNANDEZ #431327,

Petitioner,

v.

3:08-cv-66

IMMIGRATION & CUSTOMS ENFORCEMENT,

Respondent.

MEMORANDUM AND ORDER

The court is in receipt of a *pro se* "motion for fast & speedy trial" and an application to proceed *in forma pauperis*. Petitioner's application to proceed *in forma pauperis* is **GRANTED**. The Clerk is **DIRECTED** to file this action without the prepayment of costs or fees or security therefor as of the date the motion was received. However, for the reasons stated below, process shall not issue and this action is **DISMISSED**.

Petitioner is in the custody of the Tennessee Department of Correction and housed at Brushy Mountain Correctional Complex; the Immigration and Customs Enforcement is the respondent. Petitioner's motion concerns a detainer that has been lodged against him by respondent, as a result of an investigation to determine removal. Apparently, petitioner is asking this court to order the respondent to expedite petitioner's deportation to Colombia.

This court, however, lacks jurisdiction to intervene in deportation proceedings. *See* 8 U.S.C. § 1252. Accordingly, petitioner's motion is **DENIED** and this action **DISMISSED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

E N T E R:

s/ Thomas W. Phillips
United States District Judge